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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,646	03/11/2004	Sudhansu S. Yadav	11162-43762	6330
35973	7590	03/06/2006	EXAMINER	
BINGHAM MCHALE LLP 2700 MARKET TOWER 10 WEST MARKET STREET INDIANAPOLIS, IN 46204-4900			HUYNH, LOUIS K	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This action is responsive to the Amendment filed 02/17/2006. See attached Interview Summary.

Election/Restrictions

2. Claims 10-26 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 06/13/2005.

3. New claims 27-29 have been added.

4. Newly submitted claims 28 and 29 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the new claims, 28 and 29, forming a new group which is related to the examined claims as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particular orthorhombic parallelepiped-shaped cavity of the subcombination as claimed because the compressed block of the combination can be cylindrical, for example. The subcombination has separate utility such as forming a orthorhombic parallelepiped-shaped compressed mass.

5. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 2 and 29 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The steps of “gusseting the compressed mass” is new matter which was not described in the originally filed specification and drawings. The specification on page 9, lines 6-8, states that the second application of wrapping material is in the form of a gusset, which gusset is arguably formed or preformed on the wrapping material; there is no mention of “gusseting” or forming gusset on the compressed mass.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-9 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 requires a step of “gusseting the compressed mass” which was not described in the specification, thus render the claims indefinite for it is unclear as to what gusset(s) applicant is referring. Note that “gusseting” (commonly known as forming triangle) cannot be found in the specification and/or the drawings.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merry (US 5,524,531) in view of Hullhorst et al. (US 3,499,261) and further in view of Prescott et al. (US 3,775,933).

With respect to Claim 1, Merry discloses a method of compressing non-woven garments including the steps of: filling a pressing cavity (14) with non-woven garments (20); applying a preselect pressure to the cavity using a pressing platen driven by a plunger (17); and removing the compressed garments from the pressing cavity (14). The method of Merry meets all of applicants claimed subject matter but lack the specific teaching of the step of wrapping the compressed garments. Hullhorst discloses a method of packaging compressed fibrous material including a step of placing a wrapping material (35) into a compressing cavity of a container (31), and a step of wrapping the compressed fibrous material in order to keep the fibrous material in the compressed state (col. 4, lines 36-47). Furthermore, Merry suggests that the garments are compressed in order to save exterior packaging, shipping, handling, and warehouse costs (Abstract); and since packaging by wrapping for transportation and/or for storage is well known in the art; therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the method of Merry by having provided a step of wrapping the compressed garments, as taught by Hullhorst, in order to keep the garments in the compressed

Art Unit: 3721

state and to save costs in shipping, handling and warehouse space. The modified method of Merry meets all of applicants claimed subject matter but lack the specific teaching of the step of gusseting the compressed mass. Since there is no disclosure of “gusseting” or gusset being formed, the step of gusseting will be understood as placing the compressed mass in a gusseted wrapping material, which is old and well known in the art of packaging for the purpose of keeping packaged product in a substantially parallelepiped shape and is taught in the reference to Prescott, which discloses a compressed mass (12) being wrapped in a gusseted wrapping material (30) that helps keeping the compressed mass (12) in a substantially parallelepiped shape (Fig. 3). Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have further modified the method of Merry by having placed the compressed garments (20) in a gusseted wrapping material, as taught by Prescott, in order to keep the compressed garments (20) in a substantially parallelepiped shape which would enable stable stacking of the compressed garments for shipping and storage.

With respect to Claims 2 and 3, the method of Merry meets all of applicants claimed subject matter but lack the specific teaching of the step of applying a partial vacuum to the pressing cavity of a container (31). However, Hullhorst discloses a method of compressing fibrous material by applying vacuum to the pressing cavity via perforations (33) and plenum (32). Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the method of Merry by having further provided the step of applying vacuum to the pressing cavity, as taught by Hullhorst, in order to remove air trap between layers of the non-woven garments to further compress the non-woven garments which would further reduce the compressing time.

With respect to Claims 4 and 8, the method of Merry includes pressing the non-woven garments with a pressure in the range of 25-5,000 psi which includes the range of about 80 psi. Note that the specific mass of the garment would have been obvious as a matter of engineering design choice depending on the size of the compressing cavity.

With respect to Claims 5 and 6, the pressing cavity utilized in the method of Merry is substantially orthorhombic parallelepiped in shape.

With respect to Claim 7, the reference to Merry does not expressly disclose that the non-woven garments are formed of a spunbond/melt blown/melt blown/spunbond material; however, the claimed material is known to the artisan in manufacturing non-woven garments; therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have compressed non-woven garments made of spunbond/melt blown/melt blown/spunbond material.

With respect to Claim 9, the modified method of Merry meets all of applicants claimed subject matter but lack the specific teaching of the step of wrapping the compressed garments twice. However, wrapping a package twice is known in the art in order to finish the package for shipping and/or storage is well known in the art; therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have further modified the method of Merry by having provided the step of wrapping the compressed garments twice in order to complete the package for shipping and/or storage.

With respect to claim 27, the modified method of Merry is for reducing volume of the garments (20) in order to save space in shipping and/or storage; therefore, the method would include the step of stacking a compressed garment atop other compressed garments so as to save

Art Unit: 3721

space in shipping and/or storage, wherein the compressed garments would substantially retain their substantially parallelepiped shapes for they are constrained in gusseted wrapping material.

Response to Arguments

12. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

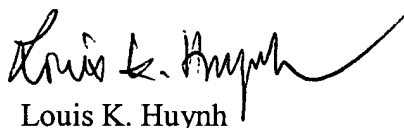
14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

Art Unit: 3721

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Louis K. Huynh
Primary Examiner
Art Unit 3721

February 28, 2006